

The Need of Increased Public Regulation
In Private Forestry

by

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INTRODUCTION

It would be humanly impossible to measure all the damages that severe depressions bring on, or all the havoc they create. However, they are not without compensatory benefits. Often they bring hitherto obscure problems into definite focus, thus compelling us to consider sore spots and defects in our social and economic structure which we might otherwise ignore. By disclosing these defects and omissions they afford an invaluable check on public policies.

Certainly this is also true of great world crises, such as is now transpiring.

Concerning the depression, it will be recalled, that the National unemployment reached a peak of 14,000,000 in 1933, and that in 1935-36 half of our income receivers had annual incomes of less than \$1,070.00.¹

Nearly all of the most critical rural problem areas of the United States, or most of the worst rural slums, are in our older forest regions. Examples are the cut-over portions of the Lake States, the Ozarks, the Southern portion of

the Central States, the Southern Appalachians, other parts of the South, and with good starts toward others in our own West.¹

Such regions often have both farm and forest problems. Large areas are too poor to cultivate. In these regions we find most of the farms on the ragged edge of marginality or below it. It is also here that we find the majority of the lower third or half of our farming populace.¹

In such regions depleted forests and shrunken or vanished forest industries are generally frequent. It is here that we find so many American ghost towns or stranded villages. Here we find high percentages of low income people, high percentages of unemployment, and large relief rolls. Here also we find enormous areas of forest land whose potential capacity to produce is being utilized only in a small part.The current international crisis is testing, as never before, the ability of even the stronger democratic nations to survive. Whereas the crisis may have had its origin in a scarcity of natural resources, the objectives of the aggressor nations now include world domination in which all other nations are to be conquered and their subjects put to economic and political slavery.¹

This is the philosophy of the aggressor nations, a "New Order" which we must either accept or fight. To meet the challenge of military attack we must have a military defense which can stand up against any threat. To meet the broader challenge of an attack which uses any and all conceivable

means of warfare, we must broaden our defense. For total defense we need, not only military defense, but also an abundance of natural resources, means of support, and incomes and standards of living for our people that are worth defending. We need a strong and healthy social and economic life based on an abundance of natural resources.¹

The forests are one of our most important natural resources. It seems almost unbelievable that we are not able to make our 630 million acres of forest land a great permanent national asset in a better and stronger country, rather than an uncertain asset or a possible liability.

On the side of forestry progress we have our national and other public forests, a start toward publicly supported forestry research, public assistance to private owners (still largely confined to fire protection) a growing area of private owned land under management, Federal and many State forest services, a sizable forestry profession, and colleges to train as many men as we need.

However, the other side of the picture must also be taken into account when framing our future policies. Of the 1700 odd billion board feet measure of saw timber in our forests, three-fourths is old growth. All of our efforts to date have produced roughly only one-fourth of the existing stand of saw-timber, and for the most part that one-fourth,¹ man can take little or no credit for.

Three-fourths of our timber growing lands are in private ownership, and these lands furnish more than ninety percent of the current cut of forest products.

During a period of subnormal demand we cut or destroy our second growth forests about as fast as they grow--and we are still making heavy inroads into our remaining Virgin stands.

Eighty-five percent of the industrially owned lands, and seventy percent of the farm owned lands are not under any type of management.

Nearly a third of our privately owned lands do not even get any organized fire protection.

To further complicate forest progress, there are approximately four and one-half million separate ownerships.²

Proper forest management is predicated upon knowledge of proper forest practices. A forestry education for four and one-half million widely scattered owners is a difficult order.

Many of the holdings are so small that the practice of good forestry by individual owners is scarcely practicle. Ownerships are intermingled and owners have different objectives, so that unit management is difficult of course, and even approaches the impossible.

I have brought forth these foregoing facts to show the extent and seriousness of the forest problem, as it is today.

Obviously, with three-fourths of our timber growing lands in private ownership, and these lands providing ninety-percent of the current cut of forest products, greater emphasis must be put on the proper management of these lands.

To improve and put our forestry on a sustaining basis, any legislative improvements or regulatory measures brought forth should provide for the following:

1. Adequate restocking with trees of desirable species (after cutting) by natural regeneration supplemented, if necessary, by replanting.
2. Avoidance of premature and wasteful cutting in young stands.
3. Reserving for growth and subsequent cutting, a sufficient growing stock of thrifty trees of desirable species to keep the land reasonably productive, except where clear cutting is the approved practice.
4. Prevent the use of destructive logging methods and subsequent damage to uncut trees.
5. Insure all practical protection against loss by fire, insects, and disease, employing proper slash disposal to this end, where necessary.
6. Prevent injurious grazing, where it damages

tree growth or causes erosion or impairment of watershed values.

7. In general, stop forest destruction and deterioration and insure maintenance of the land in a productive condition; safeguard it's watershed value, and so protect local communities; furnish supplies of timber for local, state, and national use, including national defense.

WHY IS IT NECESSARY TO INSIST ON REGULATION RATHER THAN ATTEMPTING TO ACCOMPLISH THE SAME RESULTS BY EDUCATION AND COOPERATION?

1. There can be no question that private forest lands must be kept in a producing condition because of their amount and value.

2. Voluntary regulation of cutting on private lands by the owners or operators cannot be depended upon to remain consistant over a long period of time. Where one owner may be practicing progressive forestry, his successor or competitor may nullify his work. Good intentions are no substitute for security in forest management.

3. Absentee ownership and directorship is hazardous to sustained yield. No matter what policy may be favored by local management in regard to leaving the lands in a productive condition, financial powers may rule otherwise. --- To distant authority, stumpage means money. They bought and paid for so much timber and they want their money

out of it.

4. There is a reluctance on the part of timber operators to adopt economic practices which are advocated, often as easy to follow as those they do at present, by foresters. This is true of the industry as a whole. Foresters have proved by mathematical studies that it does not pay the lumberman to cut trees below a certain diameter, or to mill logs below a certain size. It has taken up to the present time for this fact to sink in, and yet there are, and probably always will be, operators who will log as their grandfathers did before them. It is true that a majority of the large companies are taking modern forestry practices into serious consideration but there is no certainty that this sentiment will spread through the whole industry.

5. Small holdings of forest lands must be regulated the same as large ones. Small holdings mean small mills, and these seem to be increasing yearly. Many large mills are willing to leave advance growth because it does not pay them to cut small trees. Small mills with low operating costs and small capital investment, can and do cut these trees which should be left to form a future forest.

6. Regulation of cutting on all holdings will protect from competition those who are now endeavoring to perpetuate the timber resources.

7. Community welfare will be assured of consistency instead of being left to the chance policy of the private timber land owner.

8. The public will have to pay for the restoration of some of the devastated forest land once in private ownership if these are to be made again productive. It is by far cheaper and better socially to make certain that this cost of restoration will not occur.

9. National defense demands that the forest resources of the nation be maintained. Some companies are leaving cut-over lands in as good condition as is left in government sale contract areas, and more operators will no doubt follow suit. However, many private owners have failed this responsibility.

Formerly, only certain tree species were used for pulp, now many are used. It is reasonable to predict that a demand for marketable wood products will be filled at the expense of the future forest. To those who must depend upon profit for their existence, the economic urge is more powerful than sound forestry practices or national welfare.

IS THERE ANY JUSTIFICATION FOR THE PHILOSOPHY OF PUBLIC REGULATION OF FORESTRY PRACTICES ON PRIVATE LAND?

1. It is justified under the general principal of Common Law, "salus populi est supreme lex" -- the public safety (welfare) is the supreme law. Therefore, the destruction of forest cover and the devastation of potential timber lands which result in floods, damage, death, and the loss of natural resources is contrary to this law.

2. All European nations who have in effect successful

systems of forestry, have for many years exercised some form of governmental control over private forest lands.

The denudation of the forests of the Lake states by fire and axe, and the senseless slaughter of the *Sequoia gigantea* in the Converse Basin in California during the latter part of the last century, finally brought about the Forest Reserve Act of 1891, and the regulation of government timber within the reserves.

WHAT IS THE PRESENT STATUS OF PUBLIC REGULATION?

The Federal Government began its control over private industry with the Interstate Commerce Commission some years ago. Within recent years, and especially within the past eight, the government has taken a regulatory hand in the operation of commercial radio and aviation, and has even stepped into the wildlife field with the federal laws for the protection of migratory wild fowl. There are other examples of federal control, such as the Federal Power Commission, etc.

Yet there is little in the way of federal laws which exercise control over the handling of forested lands in private ownership. This is in spite of the fact that for several decades it has become more and more apparent that there could be no possibility of adequate or continuous supplies of forest products unless the timber lands in private ownership were under some form of forest management.

The Clarke-McNary Act of 1924 made a beginning through state cooperation in fire control and reforestation. The N. R. A. of 1934 resulted in a form of regulation of the

lumber industry. Stipulations of this act made the industry responsible for the enforcement of fire protection rules and the leaving of seed trees where economic and other conditions permitted.

Individual states exercise some degree of control over forest land owners in connection with the reduction of forest fire hazards and fire control. Several states have passed laws reaching into other forestry fields. The Louisiana law, for instance, provides for the leaving of seed trees in all cutting and naval stores operations. A new set of laws for the state of Oregon specify definite regulations regarding logging practices. A New Mexico law of 1939 prohibits cutting below a specified diameter limit.

However, existing state laws designed to control the cutting of timber on private lands are, so far, not pertinent or inclusive to all pertinent factors and therefore not particularly effective.

WHAT WOULD BE THE PROBABLE COST AND EFFECT OF REGULATION ON THE PRIVATE OWNERS?

Owners and operators who are complying with a designated code, practicing cutting to a diameter limit, or logging according to a working plan, and the private owners who are making bona fide attempts to practice forestry would have nothing to fear from regulation. The ceiling which such an owner sets for forestry practices will probably be well above the floor which is set by the public. Public control should, in fact, protect him against possible competitive advantages of owners who ignore the public interests.

WOULD PUBLIC REGULATION LEAD TO REGIMENTATION?

No. Regulation could be organized on the basis of local, state, and national boards. Local boards might set the forest practice standards, and act as courts of appeal. This would give an opportunity for local interests to formulate requirements and appeals to higher boards.

Final authority would necessarily have to rest with a government agency to insure compliance with requirements, but even this authority could be safeguarded by providing for appeals outside administrative channels.

WHAT IS THE SENTIMENT OF FEDERAL FORESTRY LEADERS ABOUT PUBLIC REGULATION?

This is clearly expressed by the former Secretary of Agriculture, Henry A. Wallace, in his letter of August 24, 1940 to the Seattle Post-Intelligencer:

" It is wholly in keeping with the spirit and the processes of democracy, and it is high time too, to institute methods of assuring that the private timber owner will meet his public obligations. The necessary assurance can be given only through public regulation. Increased public assistance and private regulation should go forward concurrently."

Dr. E. P. Meinecke, Society of American Foresters Meeting, January 1940:

" No one can ask the (lumber) industry to sacrifice itself for an intangible ideal, the realization of which lies in the far future, far beyond the life span of any

now living man. But this much stands out clearly: the lumber industry is, with the best will, constitutionally incapable of acting in the lasting interests of the nation.... I believe that the lumber industry will flourish as never before and will be one of the greatest material and moral assets of the nation. I also believe that all this can come about only if the Government is given the power of coordination of interests and of wise regulation of the industry when regulation is needed."

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WHAT IS THE SENTIMENT OF PRIVATE OWNERS REGARDING REGULATION?

Wilson Compton, General Secretary and Manager of the National Lumber Manufacturer's Association, Chicago, Illinois:

" We believe in the principle of cooperation as incorporated in the Clarke-McNary Act---Cooperation between the federal government, the states, and the forest owners and forest industries. We long ago have accepted, and in many states are progressively utilizing, the principle of regulation."

4

C. S. Martin, Forester, Weyerhaeuser Timber Company, Tacoma, Washington, Society of American Forester's Meeting, January, 1940:

" Private lands may be controlled by the enactment of suitable state legislation based on the needs of the various states and administered by state forest agencies. Strong state forestry is necessary if we are to have strong national forestry."

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SENTIMENTS OF FARM ORGANIZATIONS REGARDING PUBLIC REGULATION.

Fredrick Brenchman, Washington Representative, the National Grange, Washington, D.C. :

" The National Grange has consistently urged the Federal Government to take steps necessary to insure better practices on our forest lands, regardless of who owns them. This government should no longer tolerate destruction of its forests, range, and watershed lands, regardless of whether the cause is due to carelessness, ignorance, or economic pressure."⁴

SENTIMENTS OF LABOR ORGANIZATIONS REGARDING PUBLIC REGULATION :

Paul Schanenberg, Legislative Representative, American Federation of Labor, Washington, D.C. :

" The American Federation of Labor is profoundly interested in seeing an adequate forest program established in the United States. We are keenly aware of the importance of conserving the nation's timber supply.... We are also keenly aware of the waste of timber which has occurred in the past, of the fact that even today only a small percentage of the nation's industrially owned timberlands are being cut and developed in ways which will assure maintenance of timber and of employment in future years.... We therefore heartily endorse such controls as may be necessary to preserve the nation's timber supply."⁴

In keeping with the seriousness of our forest problem, President Roosevelt on March 14, 1938, delivered a special forestry message to Congress.

Pursuant to this message, a joint congressional committee was appointed to study and report upon the present and prospective forest situation in the United States. Public hearings were held in each of the forest regions of the country, and representatives of the general public, industrial and farm forest owners, states, counties, and municipalities had an opportunity to express their views. Then in Washington, D.C., during January and February 1939, the Forest Service presented certain background material to the committee and recommended an overall forestry program.

After carefully studying the host of gathered material, the congressional committee, headed by John H. Bankhead, emerged with a twelve point program which they presented to Congress on March 24, 1941.

The main points that the committee recommendations cover are as follows:

1. Cooperative forest fire protection.
2. Cooperative forest insect and disease protection.
3. Extension work - farm and industrial forest lands.
4. Extension work to increase markets for forest products.
5. Forest planting.
6. Forest management and marketing cooperatives.
7. Forest credits.
8. Forest taxation.
9. Cooperative sustained yield units.

10. Forest land leasing.

11. Public regulation.

In general, the first ten items suggest increased governmental expenditures to aid the private land owners and to increase the net returns to them from their forest properties. In other words, increased cooperation by the government to the forest land owners.

The public forest regulatory recommendations, in brief, provide that it be applied to all privately owned timber and cutover land. The states will have jurisdiction over the regulatory procedure as long as their individual standards satisfy the federal government.

The proposed public forest regulation would add comparatively little expense to the average timber operator, and would greatly aid in justifying additional Federal expenditures to provide for improved protection and management of our private forest land. It will provide the cooperation from the private owners to the public in return for the increased cooperation of the government to the forest land owner. It will place and maintain our huge forest land area in a more productive condition. This is as essential to our long time national defense and general well-being as more planes and guns are to our immediate national defense and safety.

As a result of the foregoing recommendations, several bills were introduced into the two houses of Congress. The most important one being the "Pierce Bill", introduced by Representative Pierce on March 6, 1941.

The clauses of the bill provided a national forestry board, reclassification of forest land, and in general the securing of greater social and economic benefits for the nation from our forests. Under this bill, regulation by state and federal "heads" was to be the keynote of operation.

Due to the present war status of our nation, these bills have been temporarily pushed aside. - - Yet, with the framework of these bills built around increased public regulation of forests, we may well realize that the need for increased regulation on private forest lands was foreseen even before our entrance into the war. - - Now with our very existence dependent on our economic wealth, and chance for forest exploitation so great; how else, but by increased public regulation can we assure ourselves of a sustained forest crop?

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